Manitoba

ANNUAL REPORT

1984

Manitoba Police Commission

THIRTEENTH ANNUAL REPORT

OF THE

MANITOBA POLICE COMMISSION

1984

May 17, 1985

The Honourable Roland Penner, Q.C.
Attorney-General for the Province of Manitoba
Legislative Building
Winnipeg, Manitoba

Sir:

The undersigned, pursuant to Section 22(7) of the Provincial Police Act, has the honour to present the Manitoba Police Commission Annual Report for the period January 1, 1984 to December 31, 1984.

J. J. Oliphant, Q.C.
Chairman

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INTRODUCTION

The Role of the Commission

The Manitoba Police Commission, instituted under the provisions of the Provincial Police Act (Chapter P150 of the Legislative Assembly of Manitoba), is a researching, standardizing and coordinating body that works to promote the prevention of crime, efficiency of police services and police/community relationships in the Province of Manitoba.

Using the powers given it by law, the Commission shall also hear appeals from any person who is a party to an inquiry or investigation, conducted by a police commission into a complaint or matter touching the conduct of any member of a police force or any matter or thing related to the maintenance and operation of a police force and who is aggrieved by any order or determination which was made in the disposition of the case.

Commission Membership

As of January 1, 1984, the members of the Commission were: Mr. Jeffrey J. Oliphant, Q.C., Chairman; Mr. Arne Peltz, Vice-Chairman; Dr. Ken Hanly; and Mrs. Cathie Hiller. Mr. Jim Sinclair of Selkirk was appointed as a member of the Commission on April 25, 1984, filling the vacancy left by the resignation of Ms. Geri McRae.

Commission Staff

Executive Director - Max Mulder
Crime Prevention Coordinator - Lorne Gregorash
Administrative Secretary - Michèle Dupuis

Staff Changes

Mr. Max Mulder, Executive Director of the Commission, retired on May 25, 1984. Mr. Mulder retired after serving for ten years in that post.

Mr. Lorne Gregorash became Acting Executive Director following Mr. Mulder's retirement.

Appeals

During 1984, the Commission heard five (5) appeals of decisions from other police commissions.

Appeal of Cst. Lorne Birch (March 1-2, 1984)

The Commission heard an appeal by Cst. Lorne Birch against the decision of the Winnipeg Police Commission on an internal disciplinary charge of discreditable conduct. The case involved a rape investigation and the appellant's interaction with nurses and the complainant at a local

hospital. The Commission was unanimous in finding the Constable guilty, but in light of mitigating circumstances, the majority of the Commission ordered an apology and imposed only an admonishment.

Appeal of Roger George Proulx (June 4, 1984)

The Commission heard the appeal of Roger George Proulx from a decision of the Winnipeg Police Commission. Mr. Proulx is a diabetic who was arrested for impaired driving while apparently in the midst of insulin shock. The Commission found that there was unreasonable delay in referring Mr. Proulx to medical attention and that there was no need to detain him in custody under the circumstances. No disciplinary order was requested and none was made. The Commission noted its approval of several changes in police policy made subsequent to the incident, and also recommended that a system be made available for voluntary registration of individual medical disability on provincial driver licences.

Appeal of Donald Patrick Hogan (September 5, 1984)

Mr. Hogan's appeal was dismissed when he failed to appear on the appointed date. Upon the application of the City of Winnipeg, the Manitoba Police Commission awarded costs against Mr. Hogan in the sum of $500.00.

Inquiries

Grenada Demonstration Inquiry

By virtue of Order-in-Council #1214 dated November 9, 1983, the Manitoba Police Commission was directed to conduct an inquiry to:

> "Investigate and inquire into all the events and circumstances surrounding the demonstration by the members of the public outside the United States of America Consulate office in Winnipeg on Friday, October 28, 1983, and for the purpose of the investigation and inquiry, to hold such hearings as it considers necessary, and without restricting the generality of the foregoing to obtain answers to the following questions . . . "

Mr. Perry Schulman, Q.C., was named as Commission Counsel, and Del Hanson of Law Enforcement Services was appointed Investigator. The inquiry board was comprised of the following members of the Manitoba Police Commission:

Mr. J. J. Oliphant, Chairman
Dr. Ken Hanly, Member
Mrs. Catherine Hiller, Member

On January 27, 1984 and March 15, 1984, the board of inquiry sat for the purpose of determining who would be given status as parties to the inquiry, and accepted the following:

1) Winnipeg Police Association, represented by
Alvin R. McGregor, Q.C., and Tana Christianson
2) Winnipeg Senior Officers Association, represented by
Mr. Mel Myers, Q.C.
3) City of Winnipeg, represented by
Mr. R. J. Scott, Q.C., and Doug Abra
4) Demonstrators arrested as a result of the demonstration,
namely, Paula Elizabeth Fletcher, Walter Roy Kirby,
Gabriel Robinson Daza, Jorge Enrique Alvarez,
Campos Gundher Ortiz, all represented by Fagie Fainman
5) Paul Graham and Patrick Barnholden in their own
capacity and on behalf of organizers of the demonstration,
demonstrators who were present, and members of the
October 28th Defence Committee, represented by Fagie Fainman
6) The Chilean-Canadian Cultural Centre Inc., represented by
David Deutscher

The inquiry sat and heard evidence on 27 days between May 14 and October 23, 1984. Twenty witnesses appeared before the Commission out of a planned 75 witnesses, however proceedings were shortened considerably by the preparation and submission of a report by the Investigator which presented the balance of the witnesses' evidence in brief form, dealing with all events at the demonstration incident by incident. Thirty-seven exhibits were filed at the inquiry and this included 273 photographs and 5 videotapes from two T.V. stations with an approximate total of 50 minutes of recorded events.

The Commission was called upon to make two important procedural rulings, the first of which was raised by Mr. Mel Myers, Q.C., representing the Winnipeg Senior Officers Association. Mr. Myers' contention was it was inappropriate for the Manitoba Police Commission to proceed with the inquiry until such time as criminal charges which had been laid against some demonstrators were disposed of. On March 15, 1984, the Commission delivered the unanimous decision effectively ruling "this inquiry shall proceed even though there has been no disposition of the criminal charges against the accused persons". It is noteworthy that the trial date of the charges had originally been set for February 1984 but were adjourned from time to time pending completion of the inquiry and report.

The second important matter the Commission was required to rule on was raised by Mr. A. R. McGregor, Q.C., Counsel for the Winnipeg Police Association. He asked the Commission to rule whether or not in its report and recommendations, it intended to identify by name individuals responsible for criminal activity if the evidence indicated that criminal acts were committed during the course of the demonstration. On July 6, 1984, the Commission delivered a second unanimous ruling "that this Commission should not, in its report, ascribe civil or criminal responsibility to any individual or individuals", and further that "nothing would be gained by the naming of names when this Commission makes its report to the Attorney-General".

Phase I of the inquiry (the taking of evidence to determine what occurred at the demonstration and the reasons therefor) concluded on October 23, 1984 with the filing of the Investigator's report. Phase II (for the purposes of making recommendations for the handling of future demonstrations and similar events) commenced immediately, was very brief, and concluded the same day with the filing of a report by Dr. Raymond Perry, Ph.D., Department of Psychology, University of Manitoba. The Chairman of the Board then requested written arguments from all counsel, to be submitted by the end of February, 1985.

The matter was still pending at the end of 1984, but for purposes of consolidating this inquiry in one annual report, Commission members did submit their final report and recommendations to Her honour the Lieutenant Governor-in-Council of Manitoba on March 29, 1985. Their summary of recommendations were as follows:

(i) that criminal charges which are outstanding against the seven demonstrators be stayed;

(ii) that no further charges be laid against any person as a result of the activities at or near the United States Consulate on October 28th, 1983;

(iii) that no internal proceedings be taken against any police officer as a consequence of the events at the United States Consulate or at District 6 Police Station;

(iv) that course contents for training as a member of the Winnipeg Police Department be enriched in the area of crowd management and that there be greater postgraduate courses available to members of the Department;

(v) that one year after the filing of this report the Winnipeg Police Department be required to report to this Commission as to what steps have been taken to implement new programs in crowd management and police education;

(vi) that the Winnipeg Police Department either through the Community Relations Department or another appropriate Department arrange to take part in extensive meetings and contact with various minority groups in the City and that such meetings take place on a regular basis;

(vii) that all members of the Winnipeg Police Department be required to wear a visible nametag;

(viii) that the following guidelines be implemented:

A. <u>Police</u>:

1. that the Winnipeg Police Department should develop readily available contingency plans relative to crowd management and crowd control applicable to those sites commonly utilized by demonstrators and/or crowds. The American Consulate, Legislative Building, City of Winnipeg Civic Centre, Convention Centre, Centennial Concert Hall,

Winnipeg Arena, Assiniboia Downs and all City Parks are examples of primary sites for crowds and/or demonstrations;

2. that the Winnipeg Police Department should designate a special unit which would operate on a continuing basis to:

   (a) monitor crowd events,
   (b) collect information,
   (c) evaluate information,
   (d) disseminate information,
   (e) liaise directly with crowd leaders,
   (f) determine what identification is being used by crowd organizers or marshals in attendance (i.e. arm bands); and
   (g) plan specific policing strategies regarding crowd management and control at all significant events;

   The unit can be comprised of one or more persons and the function of an existing unit such as the crime prevention unit or research and planning unit could be expanded to fulfill the function.

3. that a Duty Inspector be assigned, as the Officer-in-Charge to all demonstrations to ensure that there is a coordinated and effective deployment of police personnel and equipment. The emphasis here should be on a coordinated effort rather than individual action;

4. that all Duty Inspectors receive extensive crowd management and crowd control training similar in content to that which is presently provided in Ontario and Edmonton Police Departments;

5. that present general in-service training courses offered by the Winnipeg Police Training Division include a segment on crowd management. Such training will better prepare police personnel dispatched to the scene of a demonstration, particularly in instances where the demonstration is a spontaneous one;

6. that training presently provided to Crowd Control Units emphasize crowd management more than it presently does;

7. that the Winnipeg Police Department should develop and make handout literature available to designated leaders of a demonstration. This literature should be in a form similar to that which is available to participants in labour disputes.

B. Organizers:

1. that organizers of any demonstration or any counter-demonstration notify as soon as practicable a special unit designated by the Winnipeg Police Department, regarding a pending demonstration or counter-demonstration and provide:

   (a) the date, time and place of the demonstration,
   (b) the name of the organization(s) sponsoring the event,
   (c) the objective(s) of the demonstration,
   (d) the names, addresses, and telephone numbers of organizers, marshals and contact persons who will be attending the demonstration,
   (e) one designated person to liaise directly with the Duty Inspector before, during and after the demonstration,
   (f) a reasonable estimate of the numbers of demonstrators expected,
   (g) information, if any, regarding the groups, organizations, agencies etc. that may participate.

2. that organizers and marshals be required to wear easily identifiable designations as to the function which he or she is to fulfill.

C. Police and Organizers:

that prior to commencement of a demonstration or counter-demonstration, organizers and police establish lines of communication and discuss procedures to be followed in the event of a disruption.

(ix) that as a prerequisite to the obtaining of Canadian Citizenship courses be offered to prospective citizens dealing with the rights of citizens under the Canada Charter of Rights and Freedoms and the role of police in Canadian society;

(x) that for the future all children be removed from demonstrations should any violence develop.

Commission Meetings

In addition to the appeals and hearings as above, the Commission met on five other occasions during the year to review ongoing matters.

CONFERENCES

Conference on Human Rights and the Role of the Police
Regina, Saskatchewan, March 30, 1984

The Vice-Chairman, Arne Peltz, attended the conference on behalf of the Commission.

Topics at the conference included: Complaints Against the Police, High Speed Pursuits, Police-Native Relations and Affirmative Action.

There was considerable interest among conference delegates about Manitoba's Law Enforcement Review Act and native policing programs, particularly the Dakota Ojibway Tribal Council Police.

Canadian Association of Chiefs of Police
Operational Research Committee

Mr. Charlie Hill, Director of Law Enforcement Services for the Attorney-General's Department, attended two meetings of the Operational Research Committee on behalf of the Manitoba Police Commission in 1984.

The meeting of April 5, 1984 was held at the Canadian Police College in Ottawa. Topics on the agenda included:

- approval of a helmet standard for police crowd control;
- drug prevention programs;
- electronic mugbook presentation;
- automated police information systems.

The second meeting was held on August 27, 1984 in Niagara Falls, Ontario. Topics on the agenda for this meeting included:

- minimum standards for residential security;
- development of suspect latent fingerprints from guns;
- computerized fingerprint systems;
- speaker identification voice line-ups;
- psychology, law and police techniques regarding questioning of suspects and witnesses;
- standardization of computer processing of police data;
- explosive disruption charges for selective entry;
- methodology development - fire accelerant sniffer; and
- methodology and data base development - explosives, incendiaries and pyrotechnics.

The Operational Research Committee is a valuable resource to applying the latest scientific technology to meet the needs of law enforcement agencies throughout Canada. Programs are funded jointly by the Solicitor General and the National Research Council of Canada.

Symposium of Provincial Police Commissions

The 9th Annual Symposium of Provincial Police Commissions was held in Regina, Saskatchewan from September 24-26, 1984. The Chairman, Vice-Chairman and two members of the Commission attended the Symposium.

Each police commission was given the opportunity to report on its activities during the year since the last Symposium.

Papers presented at the Symposium included the following:

- Panel discussion on the Selection, Training and Refresher Training for Police Dogs and Dog Handlers
- Complaints Against Police
- Guidelines Concerning Police Functions and Study of Subjects of Interest to the Police
- Outline of Regina City Police Employee Assistance Program
- Panel discussion on Police Revolvers and Ammunition
  What is the most practicable and suitable revolver and ammunition for police purposes?
- Human Rights Legislation Affecting Police Recruitment Procedures
- Solicitor General's Advisory Committee on Preventive Policing
- Program of Science and Technology in Support of Law Enforcement
- Discussion on Effects of Budgetary Restraints on Police Commissions' Functions and Activities

The next Symposium will be hosted by the New Brunswick Police Commission in Fredericton in September of 1985.

POLICE TRAINING AND EDUCATION

Canadian Police College - Advisory Committee

Mr. Charlie Hill, Director of Law Enforcement Services for the Attorney-General's Department, attended the Advisory Committee meeting held in Ottawa on April 4, 1984 on behalf of the Commission.

The Commission continued its past practice of coordinating the allotment of positions for courses at the Canadian Police College. A total of 37 police officers from Manitoba attended 20 different courses at the College during the year. Thirty-four officers attended from the Winnipeg Police Department and 3 from the Brandon Police Department.

INFORMATION SERVICES

Library

The Commission maintains a small library, stocked with publications on police training, security, crime prevention promotion and law enforcement in general. In addition, many law enforcement periodicals are catalogued and available to police officers, students and members of the general public. Specific articles on the administration of justice are filed for information and research purposes.

Crime Prevention Publications

The Commission stocks a variety of pamphlets and booklets on a number of crime prevention programs which are made available to the public, businesses, law enforcement agencies and other interested groups:

Protection for Senior Citizens
Woman Alone
Business Security
Fraudulent Cheque Protection
Auto Theft Protection
Operation Provident
Operation Identification
Tips to Stop Shoplifting
Manitoba Committee on Wife Abuse
Crime Prevention Guide
"Officer Ollie" coloring booklet
Don't Run Away

Commission staff worked closely with police agencies and educators in the development of a new Officer Ollie booklet covering the subject of alcohol and drug abuse.

The content and artwork for the booklet was reviewed and approved and subsequently submitted for publication. Copies of the booklet, which is intended for older elementary and junior high students, is expected to be available for use by police in schools sometime during the spring of 1985.

LEGISLATION

Law Enforcement Review Act

The Commission played a major role in the development of the Law Enforcement Review Act which was introduced to provide procedures for registering public complaints against certain actions of municipal police officers. The Act further provides for the appointment of a Commissioner of Complaints and the establishment of an independent Review Board to hear complaints referred to it.

The Act, which was given Royal Assent in August of 1983, is to be proclaimed early in 1985.

CRIME PREVENTION AND POLICE-COMMUNITY RELATIONS

Crime Prevention Committee

The Crime Prevention Committee is a body with representatives from R.C.M.P., Winnipeg Police Department, Brandon City Police, Manitoba Police Commission, Canadian Armed Forces Military Police, Government Security Services and the D.O.T.C. Police. This Committee, which was established in 1976, works to coordinate the exchange of crime prevention information and materials among law enforcement agencies and the public in Manitoba.

To facilitate this exchange and to promote the concept of crime prevention, the Committee holds regional meetings throughout the Province each year.

A total of 10 such meetings were held during 1984. Seven of these meetings were in the City of Winnipeg and three were outside the City, one being in the City of Brandon, one in the Town of Stonewall and one in Ste. Rose. Issues addressed at these meetings included most major crime prevention programs, victim services, citizens' crime prevention groups, seatbelt and child restraint legislation, and other relevant programs.

In addition to this the Core Committee members met on seven occasions to plan regional meetings and to discuss matters of mutual concern.

Crime Prevention Presentations and Displays

School Program

The Commission's Crime Prevention Coordinator was booked for school presentations in forty different schools throughout the Province. He and Officer Ollie, the crime prevention mascot, gave presentations to approximately 8,698 students in total.

The safety and crime prevention program involving Officer Ollie has now completed three

years of operation and in that time has performed for over 52,000 children. It has proven to be very popular in the schools and is well used by local police departments as a police-community relations tool.

Special Presentations

During his travels around the Province, the Crime Prevention Coordinator has also given presentations to many adult groups. These included farmers, businessmen, homeowners, senior citizens, Block Parents and many social groups.

Crime Prevention Trailer

The Commission's mobile crime prevention display, a 28-foot trailer, was booked steadily from June through to the end of September. The trailer operated for a total of 43 days in locations throughout Manitoba and during this period of time, 22,932 people went through the display. This is an average of approximately 533 people per day.

The Crime Prevention Coordinator spent a total of 18 days working in display booths set up either by Winnipeg City Police or R.C.M.P. members throughout the Province. These displays were in malls which could not accommodate the trailer. At these displays, thousands of people passed by and inquired about many of the crime prevention programs being offered.

Special Traffic Committee

The Manitoba Police Commission is represented on a special Traffic Safety Committee established by The Hon. John Bucklaschuk, Minister responsible for the Manitoba Public Insurance Corporation, and The Hon. John Plohman, Minister of Highways. The function of the Traffic Committee is to consolidate information about traffic safety problems presently being addressed for the purpose of advising the Ministers. The terms of reference are as follows:

1) To provide timely information and advice to the Ministers in connection with all aspects of highway safety, pedestrian safety and the correct management of all vehicular traffic in the Province of Manitoba.
2) To make inquiries, receive representation from interested parties and identify opportunities so as to recommend any necessary changes to the Ministers.

Four Committee meetings have been held with a number of matters being discussed. At this time the Committee has chosen the following as priorities for the coming year: pedestrian corridors, seatbelt legislation, and child restraints.

Safe Grad Committee

The Commission is also represented on the Safe Grad Committee. The function of the Safe Grad Committee is to eliminate accidents, death and misfortune by promoting safe practices among

young persons so as not to experience difficulty with alcohol and drugs. The "no-alcohol" party is considered to be the viable alternative. Eight Safe Grad meetings have been held and one Safe Grad Seminar with 150 students from throughout the Province attending.

Summer Student Program

The Commission employed three students through the Government's S.T.E.P. (Student Temporary Employment Program) for periods of 12-15 weeks during the summer of 1984.

One student travelled with the Crime Prevention Coordinator assisting with displays at fairs, exhibitions and other events. He also prepared a report on high speed chases for the Commission.

Another student spent the summer working on collation and analysis of police crime data. This information would be used subsequently for program targetting, planning and evaluation.

The third student, who was hired through the Affirmative Action Program, researched the activity of businesses in crime prevention programs both locally and in other jurisdictions. The information gathered was to be used as a basis for educational materials for the business community.

Hockey Trading Card Program

In the spring of 1984 the Commission's Crime Prevention Coordinator, in conjunction with members of the Crime Prevention Committee, successfully negotiated a grant of $12,000 from the Kinsmen Clubs of Winnipeg and an agreement with the Winnipeg Jets Hockey Club to participate in a hockey trading card program. The program is very similar in concept to the very successful football trading card program run in 1982.

The hockey trading card program, featuring 21 Winnipeg Jets players and coaches, was launched at the Winnipeg Arena on December 21 of this year.

89,000 sets of 24 cards each were distributed to children throughout the Province over a twelve-week period beginning December 23rd.

The cards, including crime prevention safety tips and associated hockey rules on the reverse side, proved to be very popular among children.

The police agencies involved viewed this program as a valuable police-youth relations tool and would endorse its continuation in the future.

Operation Provident

The Commission continued to be the central registry for businesses joining the Operation Provident property identification program. There were 212 Operation Provident numbers assigned in 1984.

Since the program began in 1979, the Commission has issued 4,927 Provident numbers.

POLICE SERVICES

The transfer of the Manitoba Police Commission's Police Services Consultant, Mr. Del Hanson, from the Manitoba Police Commission to the Law Enforcement Services Branch, profoundly affected our involvement in the Northern Affairs Community Constable Program, the Band Constable Program and general assistance given to municipal police departments. Mr. Hanson did continue with the R.C.M.P. Winnipeg Forensic Lab User Committee by attending semi-annual meetings and representing all the rural Manitoba municipal police departments.

EXHIBIT A

Royal Canadian Mounted Police
Municipal Policing Contracts

Beausejour (Town of)
Boissevain (Town of)
Carman (Town of)
Dauphin (Town of)
Flin Flon (City of)
Gillam (L.G.D. of)
Gimli (Town of)
Killarney (Town of)
Leaf Rapids (L.G.D. of)
Lynn Lake (L.G.D. of)
Minnedosa (Town of)
Neepawa (Town of)
Pinawa (L.G.D. of)
Portage la Prairie (City of)
Roblin (Town of)
Russell (Town of)
Selkirk (Town of)
Souris (Town of)
Steinbach (Town of)
Stonewall (Town of)
Swan River (Town of)
The Pas (Town of)
Thompson (City of)
Virden (Town of)

EXHIBIT B

Royal Canadian Mounted Police
Extension Contracts

Arborg (Village of)
Birtle (Town of)
Carberry (Town of)
Gladstone (Town of)
Grandview (Town of)
Lac du Bonnet (Village of)
MacGregor (Village of)
Manitou (Village of)
Melita (Town of)
Morris (Town of)
Niverville (Village of)
Pilot Mound (Village of)
Pine Falls (Town of)
St. Pierre (Village of)
Ste Rose du Lac (Village of)
Shoal Lake (Village of)
Snow Lake (L.G.D. of)
Teulon (Village of)
Winnipegosis (Village of)

EXHIBIT C

Municipal Policing

Altona (Town of)
Brandon (City of)
Cornwallis (R.M. of)
Deloraine (Town of)
East St. Paul (R.M. of)
Gilbert Plains (Village of)
Lac du Bonnet (R.M. of)
Morden (Town of)
Rivers (Town of)
Ste-Anne (Village of)
Victoria Beach (R.M. of)
Winkler (Town of)

City of Winnipeg

District 1	Inner-City	District 5	St. Boniface
	Winnipeg West		St. Vital
District 2	St. James Assiniboia	District 6	South Winnipeg
District 3	North Winnipeg		Fort Garry
	West - Old Kildonan		Charleswood
District 4	East - North Kildonan		Tuxedo
	Transcona		

EXHIBIT D

Northern Community Constable Policing

Barrows
Berens River
Brochet
Camperville
Cormorant
Crane River
Cross Lake
Duck Bay
Easterville
Manigotogan & Seymourville
Moose Lake
Norway House
Pelican Rapids
South Indian Lake
Waterhen